

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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SAPON BAQUIAX ET AL.,

Plaintiffs,

-against-

**ABASUSHI FUSION CUISINE INC. ET
AL.,**

Defendants.
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USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC#: _____
DATE FILED: October 6, 2022

1:16-cv-2997 (ALC)

ORDER

ANDREW L. CARTER, JR., United States District Judge:

Plaintiff Florencio Arguello Tentle

On February 16, 2022, CSM Legal, P.C. (“CSM Legal”) filed a motion to withdraw as counsel of record for plaintiff Florencio Arguello Tentle (“Plaintiff Florencio”) due to a breakdown in communication. ECF No. 70. On February 17, 2022, Magistrate Judge Debra Freeman ordered Plaintiff Florencio to submit a written response, if any, to the motion to withdraw by March 9, 2022. ECF No. 72. Judge Freeman also ordered Plaintiff Florencio to attend a telephone conference on March 16, 2022. *Id.* Plaintiff Florencio failed to submit a response and did not attend the conference. On March 23, 2022, Judge Freeman granted as unopposed CMS Legal’s motion to withdraw. ECF No. 74. Judge Freeman also ordered Plaintiff Florencio to provide the Court with his contact information. *Id.* On both February 17, 2022 and March 23, 2022, Judge Freeman advised that “Plaintiff Florencio’s failure to provide his current contact information to the Court, or otherwise to participate in the litigation as required, may result in the entry of an order dismissing his claims for failure to prosecute.” ECF Nos. 72 and 74. As of date, Plaintiff Florencio has yet to provide his contact information. The Court therefore ordered Plaintiff Florencio to show cause why this action should not be dismissed without prejudice for failure to prosecute pursuant

to Fed. R. Civ. P. 41(b), ordering Plaintiff to show cause by June 13, 2022. ECF No. 80. Plaintiff has failed to respond. Accordingly, the claims as to Plaintiff Florenico are dismissed without prejudice for failure to prosecute pursuant to Fed. R. Civ. P. 41(b).

Plaintiff Santos Pubaqui

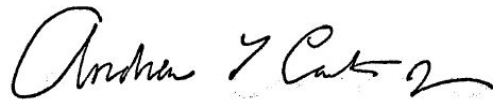
As Plaintiff Santos Pubaqui has submitted no response to counsel's motion to withdraw and CMS Legal has adequately demonstrated that Plaintiff is no longer cooperating in his representation, CSM Legal's motion to withdraw (Dkt. 84) is GRANTED. No later than November 3, 2022 (unless represented by a new attorney), Plaintiff Santos Pubaqui shall provide this Court's pro se office with his address and telephone number, which will be added to this action's docket. Failure to do so may result in a dismissal for failure to prosecute.

CMS Legal is directed to serve Plaintiff Florenico and Plaintiff Santos Pubaqui, forthwith, with a copy of this Order and a Spanish translation of this Order, by means reasonably calculated to reach them, and to file proof of service.

The Clerk of Court is respectfully directed to (1) terminate Plaintiff Florenico Arguello Tente and (2) terminate CSM as counsel for Plaintiff Santos Pubaqui.

SO ORDERED.

**Dated: October 6, 2022
New York, New York**



**ANDREW L. CARTER, JR.
United States District Judge**